

EXHIBIT C

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF MARIANNE CORR
IN SUPPORT OF JOINT
ADMINISTRATIVE OMNIBUS MOTION
TO SEAL**

1 I, Marianne Corr, declare as follows:

2 I am the Vice President and General Counsel at the University of Notre Dame (“Notre
3 Dame”). Notre Dame is a member of the Atlantic Coast Conference, which is a defendant in this
4 action. I make this Declaration based on my personal knowledge and investigation, and if called
5 as a witness to testify, I could and would testify competently to the following facts.

6 1. This Declaration is being made in support of the Joint Administration Omnibus
7 Motion to Seal (“Motion”), and pursuant to Civil Local Rules 7-11 and 79-5.

8 2. Notre Dame moves to maintain the confidentiality of certain portions of documents
9 filed under seal by the Parties that reflect Notre Dame’s highly sensitive, non-public, current
10 financial information and/or contain or reflect confidential personal information of individual
11 student-athletes.

12 3. Specifically, Notre Dame requests that certain portions of (i) the Kilaru Declaration,
13 Exhibit 1 to the Expert Report of Catherine Tucker (“Kilaru Declaration”) and (ii) the Reply Report
14 of Edwin Desser (“Desser Reply”), as described below and as identified in the Proposed Order
15 Regarding Joint Administrative Omnibus Motion to Seal (“Proposed Order”) as entry numbers
16 463, 464, 777 and 778, be maintained under seal.

17 4. A party seeking to file a document under seal must “establish that a document, or
18 portions thereof, are sealable.” Civil L.R. 79-5(b). In connection with a dispositive motion, a
19 designating party must demonstrate that “compelling reasons” exist to protect the information from
20 being disclosed. *Kamakana v. City & County of Honolulu*, 447 F. 3d 1172, 1178-79 (9th Cir.
21 2006). Redactions, instead of complete removal, can be used to place “limited and clear” portions
22 of information outside the public record. *Id.* at 1183.

23 5. Notre Dame can demonstrate that compelling reasons exist to maintain the
24 following narrowly tailored redactions under seal.

CONFIDENTIAL STUDENT INFORMATION

6. The Kilaru Declaration contains and reflects confidential personal information of a Notre Dame student-athlete. Notre Dame is required to keep confidential student personal information, and such information may not be disclosed to the public without first obtaining a release from the student or parent, as FERPA (Family Educational Rights and Privacy Act, 20 U.S.C. 1232g) requires. *See Rosenfeld v. Montgomery Cnty. Pub. Sch.*, 25 F. App'x 123, 132 (4th Cir. 2001) (“[T]he district court should consider FERPA in making its determination whether sealing of the documents in question is appropriate.”).

7. Therefore, Notre Dame supports the Parties’ Motion to redact those portions of the Kilaru Declaration which contain the personal information of this individual Notre Dame student-athlete, as identified below and in the Proposed Order:

Document	Entry Number	Text to be Sealed
Kilaru Declaration	463	p. 209-10, ¶ 250
Kilaru Declaration	464	p. 210, n.550

8. The limited redactions proposed above are narrowly tailored, and seek to seal only an individual Notre Dame student-athlete’s confidential information, the public disclosure of which would harm a third-party individual. Disclosing these redacted portions publicly is also unnecessary in this litigation, as the student-athlete’s specific identity is irrelevant to Plaintiffs’ arguments in support of class certification.

CONFIDENTIAL INSTITUTIONAL FINANCIAL INFORMATION

9. The Desser Reply contains information which reflects confidential details of Notre Dame’s financial arrangement with its football broadcast partner. This confidential, non-public business information is highly sensitive.

10. Therefore, Notre Dame supports the Parties’ Motion to redact those portions of the Desser Reply which contain Notre Dame’s confidential financial information, as identified below and in the Proposed Order:

Document	Entry Number	Text to be Sealed
Desser Reply	777	p. 22 ¶ 250
Desser Reply	778	p. 22-23 n. 71

11. For the foregoing reasons, Notre Dame respectfully submits that compelling reasons exist to seal the information as identified above and in the Proposed Order.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 27, 2023, in Notre Dame, Indiana.



Marianne Corr